IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SECOND DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION NO : 5150 of 2005

Between:

1.Sri Pekati Srikanth, s/o Radha Krishna,
R/o 17-9-18(part), Stable Road, Vizianagaram.
2.Sri Konagi Kamesh, s/o Laxminarayana,
R/o 17-9-18(part), Stable Road, Vizianagaram.
3.Smt.Siva Shoba, w/o Veera Raju,
R/o 17-9-18(part), Stable Road, Vizianagaram.
4.Smt.Vella Lakshmi, w/o Satti Babu,
R/o 17-9-18(part), Stable Road, Vizianagaram.
5.Sri K.Purna Chandra Rao, s/o Punnaiah,
R/o 17-9-18(part), Stable Road, Vizianagaram.
6.Sri Yedla Srinivasa Rao, s/o late Apparao,
R/o 17-9-18(part), Stable Road, Vizianagaram.
7.Sri P.Swamy Naidu @ Swamy, s/o Ramulu,
R/o 17-9-18(part), Stable Road, Vizianagaram.
8.Sri R.Raghu Rama Raju, s/o Venkatapathi Raju,
R/o 17-9-18(part), Stable Road, Vizianagaram.
9.Smt.P.Gangabhawani, w/o P.V.Srinivasa Rao,
R/o 17-9-18(part), Stable Road, Vizianagaram.
10.Sri S.Srinivasa Rao, s/o Narayana,
R/o 17-9-18(part), Stable Road, Vizianagaram.
11.Vajrapu Sailaja Jayasri, w/o Narayana Rao,
Vizianagaram.

..... PETITIONERS

AND

1. The District Co.operative Marketing Society Ltd., Regd.No.M-425, Person-in-charge cum-Joint Collector, Vizianagaram.

2. The District Co.operative Marketing Society Ltd., rep., by its Manager, Vizianagaram.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of mandamus, or any other appropriate writ, order or direction, declaring the action of the respondent society in arbitrarily evicting the petitioners from the shops and godowns situated in t.s.no.491/B, bearing D.No.17-9-18 at Stable Road, Vizianagaram Town, without issuing any notice and following the due process of law, as arbitrary, illegal, null and void and is against the principles of natural justice and norms of the public policy and further directing the respondents to follow the due process of law.

Counsel for the Petitioners: MR.VENKATESWARA RAO GUDAPATI

Counsel for the Respondents: MR.SUBBARAO KORRAPATI

The Court made the following:

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.5150 OF 2005

ORDER:

The petitioners are lessees of shops/godowns belonging to the first respondent. The lease is governed by an agreement. Apprehending that they might be forcibly evicted from the lease premises, they filed the present writ petition and obtained interim orders. The matter was heard finally at the stage of interlocutory matters listed on an application being W.V.M.P.No.1363 of 2005 moved by the first respondent.

Counter affidavit field on behalf of the respondents by the Business Manager. While denying the allegation of forcible dispossession, it is stated that the respondents will act in accordance with law in terms of the agreement while evicting the petitioners. It is also stated that the lease period of petitioner Nos.4, 7 and 9 already expired and the lease period of other petitioners is expiring in January, April, June, July, August, September and October, 2006. The same is recorded.

After reading the averments in the counter affidavit, it becomes clear that petitioners filed the writ petition on mere apprehension and obtained interim orders. Therefore, no relief can be granted to them. Recording the statement made by the respondents in their counter affidavit, the writ petition is dismissed.

The writ petition is accordingly dismissed.

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(V.V.S.RAO,J)

22.06.2005.

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To

1. The District Co.operative Marketing Society Ltd., Regd.No.M-425, Person-in-charge cum-Joint Collector, Vizianagaram.
2. The District Co.operative Marketing Society Ltd., rep., by its Manager, Vizianagaram.
3. 1CC to Mr.Venkateswara Rao Gudapati
4. 1CC to Mr.Subba Rao Korrapati
5. 2CD copies.